

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
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24 August 2018

To: MEMBERS OF THE STREET SCENE AND ENVIRONMENT SERVICES
ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Street Scene and Environment Services Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 4th September, 2018 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To confirm as a correct record the Notes of the meeting of the Street Scene and Environment Services Advisory Board held on 13 February 2018

Matters for recommendation to the Cabinet

4. Waste Services Contract Retender 15 - 50

The current Waste Services Contract for refuse, recycling and street cleansing is due to expire at the end of February 2019 and is being retendered on a partnership basis with Tunbridge Wells Borough Council and in liaison with Kent County Council.

In Part 2 of these papers Members are recommended to award the new South West Kent Waste Partnership contract 2019 to the successful contractor. Subject to this recommendation being agreed this report recommends to Council the levy of an 'opt-in' garden waste charge, the capital funding for the purchase of new containers and the creation of a marketing/communications budget. It also makes recommendations to Cabinet including an Equality Impact Assessment, a Communications Overview, and the use of an appropriate purchasing framework for the new containers.

5. Environmental Health Performance 2017-18 51 - 70

The report summarises the operational activities of the Council in relation to its statutory Environmental Health functions undertaken by the Environmental Protection Team and Food and Safety Team for 2017/18.

Matters submitted for Information

6. Waste and Street Scene Services Update 71 - 74

The report provides an update on the Christmas and New Year collection arrangements for 2018/19.

7. Capital Programme - Post Implementation Reviews 75 - 80

The report brings forward Post Implementation Reviews for a number of completed capital schemes.

8. Urgent Items 81 - 82

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

9. Exclusion of Press and Public 83 - 84

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

Matters for recommendation to the Cabinet

10. Waste Services Contract Retender 85 - 170

(LGA 1972 – Schedule 12A Paragraphs 3 and 5 – Financial or business affairs of any particular person and Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

The current Waste Services Contract for refuse, recycling and street cleansing is due to expire at the end of February 2019 and is being retendered on a partnership basis with Tunbridge Wells Borough Council. The report presents the outcome of the tendering exercise and recommends to Cabinet the award of the contract to the successful contractor. In addition, the report also seeks Cabinet's approval for a number of service options and the endorsement of the Inter Authority Agreement with Kent County Council.

11. Urgent Items 171 - 172

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr M O Davis (Chairman)
Cllr O C Baldock (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr S M Hammond
Cllr D Keeley
Cllr D Keers
Cllr D Markham
Cllr Mrs A S Oakley

Cllr L J O'Toole
Cllr S C Perry
Cllr M R Rhodes
Cllr T B Shaw
Cllr Ms S V Spence
Cllr Miss G E Thomas
Cllr T C Walker

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

Tuesday, 13th February, 2018

Present: Cllr M O Davis (Chairman), Cllr D Keeley (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr S M Hammond, Cllr D Keers, Cllr D Markham, Cllr L J O'Toole, Cllr S C Perry, Cllr M R Rhodes, Cllr T B Shaw, Cllr Ms S V Spence and Cllr T C Walker

Councillors P F Bolt, M A Coffin, D J Cure, N J Heslop, D Lettington, Mrs S L Luck, B J Luker, P J Montague, Mrs A S Oakley, M Parry-Waller, R V Roud and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Miss G E Thomas

PART 1 - PUBLIC

SSE 18/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

SSE 18/2 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 6 November 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 18/3 WASTE SERVICES CONTRACT RE-TENDER

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the key issues associated with the procurement process and partnership arrangements for the new waste services contract.

Since the last meeting of the Advisory Board, Tunbridge Wells Borough Council had formally approved the principles of adopting the collection methods outlined in paragraph 1.1.2 of the report. Unfortunately, Dartford Borough Council had decided to review their current service provision and had withdrawn from the joint procurement and partnership arrangement.

Key project milestones detailed in Annex 1 to the report and summarised in paragraph 1.3.2 were noted by Members and included the closing date for tender submissions (30 April) and the conclusion of the tender evaluation period (10 June). The changes to the original timetable were as a result of the withdrawal of Dartford Borough Council and the necessity to further revise the contract specification and conditions.

Particular reference was made to proposed changes to the length of contract and it was reported that a period of eight years plus a two year or eight year extension, with a potential for a further two year extension if an initial eight year extension was agreed, would be offered to contractors. It was anticipated that these options for extension would offer greater flexibility in terms of aligning contracts, taking advantage of future opportunities, disposal facility options and legislative changes.

Finally, reference was made to communication with residents and the intention was to develop a detailed marketing plan which would include traditional and newer forms of reaching the public. In recognition of Members requests for an effective communication strategy and the need for a proactive approach to marketing the new service an informal Member Liaison Group had been established to discuss the issue. It was noted that Councillor Robin Betts and Councillor Mark Davis were also members of this Liaison Group although their names had been omitted from the membership set out in the report.

In response to a question regarding the continuation of the bulky waste collection service, Members were advised that this element was included in the tender specification and that a final decision would be made as part of the tender evaluation process. The positive feedback from residents regarding the bulky waste collection service and its potential contribution towards reducing fly tipping was noted.

Members also referred to the potential to reduce the number of waste vehicles due to the proposed changes for recycling and refuse collection, which included weekly food waste collection, fortnightly collection of residual waste and alternate fortnightly collection of plastics, metals, cartons and glass (mixed dry recyclate). However, Officers advised that it was up to the contractor to decide how waste was collected and how many vehicles were used.

RECOMMENDED: That

- (1) the withdrawal of Dartford Borough Council from the Waste Contract Partnership be noted and the resultant project timescale approved;
- (2) subject to Member comment on the draft Equality Impact Assessment, a final Equality Impact Assessment be presented to the next meeting of the Advisory Board for approval;

- (3) the modification to the length of the contract outlined in the report be noted; and
- (4) the approach to resident communication and the development of a marketing plan in liaison with the Council Members be agreed.

***Referred to Cabinet**

SSE 18/4 ENVIRONMENTAL HEALTH SERVICES ENFORCEMENT POLICY

Decision Notice D180016MEM

The report presented an updated Environmental Health Services Enforcement Policy, which took into account revisions to the Code for Crown Prosecutors and Regulator's Compliance Code and reflected the need to liaise with the Primary Authority when enforcement action was proposed.

Currently, cost recovery for repeat offenders was not included in the Policy due to the large number of enforcement issues included under environment health. However, Members were advised that there might be opportunity to reconsider cost recovery in the future.

RECOMMENDED: That the updated version of the Environmental Health Services Enforcement Policy (attached at Annex 1 to the report), be endorsed.

SSE 18/5 CAR PARKING FEES AND CHARGES - OUTCOME OF PUBLIC CONSULTATION

Members considered objections and comments received during the statutory consultation period related to proposed off-street car parking charges. Responses to the consultation were set out in Annex 1 to the report.

It was reported that the proposed increases in parking charges were considered realistic and took into account the nature of each town or village and no changes were recommended as a result of the consultation responses.

A further comment had been received from Borough Green Parish Council after the consultation deadline reiterating the point raised by Platt Parish Council that every effort should be made to ensure that it was not financially attractive for commuters to use the Western Road car park rather than the railway car park.

Notice of the proposed changes to car parking fees and charges had been advertised in the Kent Messenger as it had a significant circulation

across the whole Borough. In addition, site notices had been displayed in all the car parks.

The Cabinet Member for Street Scene and Environment Services reminded Members of the significant financial implications of placing adverts in newspapers and that the Borough Council had a responsibility to consider costs as part of the Savings and Transformation Strategy and the Medium Term Financial Strategy to avoid any impact on services. Regular users of the car parks would have seen the notices displayed and should have been aware of the proposed changes to fees and charges.

RECOMMENDED: That car parking charges should come into effect from 1 April 2018; subject to the following actions being taken in advance of this date:

- (i) the objections to the increase in off-street parking charges, as detailed in the report, be set aside; and
- (ii) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges

***Referred to Cabinet**

SSE 18/6 FORMER JOCO PIT - LANDFILL GAS INVESTIGATION

Decision Notice D180017MEM

The report outlined the process being taken to investigate landfill gas levels at the former Joco pit in Borough Green. It was noted that increased gas levels at one borehole, recorded in mid-2017, had not stabilised and further investigation was necessary to identify the level of potential risk.

An external consultant had been commissioned to advise the Borough Council and carry out works, which included the drilling and monitoring of 8 additional boreholes. These would be installed with continuous gas analysers to provide data for 1 month. The site would then be spot monitored weekly for a further 2 months and the data used to produce an up to date and adequate risk assessment for the site. It was anticipated that monitoring would commence by the end of February for a period of 3 months.

Members were pleased to note that following positive drop-in sessions with residents a sufficient number of homeowners had volunteered to have boreholes placed on their properties.

It was also noted that the Audit Committee of 22 January 2018 had recommended that the emergence of a new strategic risk in respect of

contaminated land be noted and considered for inclusion in the Strategic Risk Register. (Minute Number AU 18/3 refers)

RECOMMENDED: That the approach set out in the report, and summarised above, be endorsed to enable further investigation and risk assessment to be undertaken immediately.

MATTERS SUBMITTED FOR INFORMATION

SSE 18/7 'REGULATING OUR FUTURE'

The Director of Planning, Housing and Environmental Health advised that since February 2016 the Food Standards Agency (FSA) had been consulting with consumers, food businesses and other stakeholders to develop their future approach to food regulation in England. The plan was to deliver a new regulatory model for food safety by 2020.

The new proposals as outlined in the report were noted by Members.

SSE 18/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

04 September 2018

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 WASTE SERVICES CONTRACT RETENDER

Summary

The current Waste Services Contract for refuse, recycling and street cleansing is due to expire at the end of February 2019 and is being retendered on a partnership basis with Tunbridge Wells Borough Council and in liaison with Kent County Council.

In Part 2 of these papers Members are recommended to award the new South West Kent Waste Partnership contract 2019 to the successful contractor. Subject to this recommendation being agreed this report recommends to Council the levy of an 'opt-in' garden waste charge, the capital funding for the purchase of new containers and the creation of a marketing/communications budget. It also makes recommendations to Cabinet including an Equality Impact Assessment, a Communications Overview, and the use of an appropriate purchasing framework for the new containers.

1.1 Background

1.1.1 Further to previous reports to this Board, Members will be aware that the Council's Waste Services Contract is due to expire at the end of February 2019, and that Officers are currently working in partnership with Tunbridge Wells Borough Council (TWBC) and Kent County Council (KCC) on the future delivery of these services. The net cost of this Council's existing contract for refuse, recycling and street cleansing services is in the region of £4.3m per annum and provides a refuse and recycling collection service to over 52,000 households and a street cleansing service across the whole Borough. The desired outcome for the contract retender is to improve service delivery, meet customer expectations, improve levels of recycling performance, meet current and forthcoming legislation and at the same time, where possible, to make financial savings to the Council to help address the savings outlined in the Savings & Transformation Strategy.

1.1.2 At the June 2017 meeting of this Board Members approved the proposed recycling & refuse collection arrangements for an enhanced service, known as the

“NOM” (Nominal Optimal Method). The NOM will deliver a much improved service to residents and includes:

- Weekly Food Waste Collection;
- Fortnightly Collection of Residual Waste;
- Alternate Fortnightly Collection of Mixed Dry Recyclate (plastics, cartons, cans and glass) in a wheeled bin with a separate container for paper and card; and
- The separate fortnightly collection of garden waste (as an “opt in” charged service).

1.1.3 At the November 2017 meeting of this Board Members considered and agreed in principle the proposed Inter Authority Agreement and financial disaggregation arrangements between this authority and KCC.

1.1.4 At the last meeting of this Board in February 2018 Members agreed that a final Equality Impact Assessment be presented to this meeting and discussed in detail the importance of future communication with residents and the need for a proactive approach to marketing the new service. As a result it was agreed that a small Member Group be established to develop a Communications/Marketing Plan to include both traditional and newer forms of publicity and promotion.

1.2 Inter Authority Agreement

1.2.1 The Inter Authority Agreement (IAA) is a legally binding agreement between this Council as the Waste Collection Authority and KCC as the Waste Disposal Authority. The aim of the IAA is to encourage increased levels of recycling by providing this Council with an incentive to maximise kerbside recycling, directly reducing the waste disposal costs for KCC.

1.2.2 The IAA, which has been developed to mutually benefit both authorities, will replace all existing arrangements in relation to all waste related payments made by KCC to this Council other than the contribution to the Saturday Freighter Service. The IAA sets out in detail the financial obligations of each partner.

1.2.3 At the November 2017 meeting of this Board Members approved the core principles for the IAA including the financial arrangements and implications relating to the new contract. It was agreed that a final draft of the IAA be reported to this Board for approval.

1.2.4 The proposed final draft IAA, which has been developed over recent months in liaison with KCC, is included in full in Part 2 of these papers for Member approval.

1.2.5 The IAA is an extremely important document and has been the subject of careful consideration and review by Officers. Key issues worthy of note include:-

- the IAA shall commence on the date the new contract is awarded until 31st March 2027 and can be extended by mutual agreement for up to a further 10 years in successive extensions (as the case may be) to mirror the duration of the new contract;
- for the duration of the IAA TMBC will maintain the Nominal Optimal Model of Service, and deliver recyclables to transfer points and facilities specified by KCC;
- KCC will retain responsibility for the haulage and disposal of all materials and will endeavour to maximise the value of income from the sale of waste materials, and;
- TMBC will purchase necessary containers to facilitate the new collection arrangements.

1.3 Joint Working Agreement

- 1.3.1 A Joint Working Agreement (JWA) is being developed between this Council, TWBC and KCC. The aim of the Agreement, which is intended to be legally binding, is to commit all the parties to the most beneficial, economically advantageous and closest consideration possible in the delivery of Waste Services across the two boroughs. The Agreement enables cross border co-operation to improve efficiency and encourage increased recycling.
- 1.3.2 The JWA will supplement the IAA, by establishing the joint working arrangements and will make provision for the allocation of costs and liabilities on a fair basis between the parties.
- 1.3.3 The Agreement will be based on a number of core principles including openness and trust, developing and adapting reputation and standing, and reasonableness of decision making and actions. Within the Agreement it is intended that a Contract Partnership Manager will be appointed by the District Partner Authorities, who will be responsible for the administration of the contract and the production of an annual Service Plan for Member approval. The role of Partnership Manager will rotate between TMBC & TWBC on an annual basis. The production of a Service Plan to guide service delivery and monitor key performance outcomes is already being used effectively by the Communities & Housing Advisory Board in regard to the management of the Council's leisure facilities by the Tonbridge & Malling Leisure Trust. Following discussions with TWBC it is the intention that the role of Contract Partnership Manager will be undertaken by TMBC in the first year of the new contract.
- 1.3.4 Members are requested to delegate authority to the Director of Street Scene Leisure & Technical Services in liaison with the Cabinet Member for Street Scene & Environment to approve the final Joint Working Agreement.

1.4 Garden Waste Charges

- 1.4.1 At the October 2017 meeting of this Board Members were advised that the charging for garden waste collection (for those households who wish to opt in) is necessary to underpin the proposed service improvements. Local authorities have the power to charge for garden waste under The Controlled Waste (England & Wales) Regulations 2012 and it was noted at the meeting of this Board in October 2017 that the level of charge would be reported to this meeting of the Board as part of the award of the contract.
- 1.4.2 At the present time over 50% of local authorities nationally apply a garden waste charge ranging from £22 to £95 per annum. In addition to the annual charge some Councils also charge for the garden waste container, which then becomes the possession of the householder. In Kent, only this Council, Canterbury City Council, Medway Council and Tunbridge Wells Borough Council do not currently charge for garden waste, with an average charge across the county of £43.50 p.a. (Canterbury City Council do, however charge for the garden waste container).
- 1.4.3 Having undertaken a detailed review of different charging regimes the following proposal for the “opt in” garden waste service is brought forward for Members consideration:-
- Annual fee for fortnightly collection of garden waste from a 240 litre garden waste bin - £40.00. Initial introductory offer to be made to residents to encourage take up - £35.00 guaranteed for first 2 years.
 - Garden waste bin to be provided free of charge and remain in ownership of TMBC.
 - Neighbours will be entitled to share a garden waste bin so long as one of them takes out a subscription.
 - Residents can join the scheme at any time throughout the year. Payment options will include direct debit.
 - A subscription only sack service for those with no room for a bin will also be provided on a fortnightly collection - £40.00 for 3 ninety litre hessian sacks. Same introductory offer as garden waste bin to apply.
- 1.4.4 Members will note from the above that the proposed opt in garden waste scheme offers excellent value for money at under £1 a week for the service with an introductory offer to encourage as many people as possible to join the scheme. The introductory offer relates to 67 pence per week and is below the national and county average. The introductory offer would represent the lowest charge for this service in the county. It is recognised that the marketing of the scheme will be crucial to its success, particularly bearing in mind residents are currently receiving the service free of charge. The scheme needs to be recognised within the overall objectives of the new improved service arrangements and the marketing element

is addressed later in this report at sub-section 1.7. The proposed approach outlined above has taken into account good practice from other local authorities which have recently gone down this route. The proposed charge also takes into account the contract cost to deliver this service, the depreciation cost of the containers supplied free to residents, the administration costs of processing the application and the client costs associated with monitoring this aspect of the contract.

- 1.4.5 The success of the scheme will clearly have a direct impact on the financial implications of the new contract and the total income generated will be dependent on the take up of the scheme across the Borough. The financial impact of garden waste charging is addressed later in this report at sub-section 1.10, with a target take up of 30% used to determine the income generated. It is anticipated that, with an appropriate level of promotion & marketing resource, this level of take up should be achievable, and the charging strategy being proposed will assist in reaching the target.
- 1.4.6 Members are requested to recommend to Council the charging proposals for the collection of garden waste as outlined in the report. In making the decision it should be noted that Tunbridge Wells Borough Council may be applying a different level of charge, which is not considered to be an issue, subject to the matter being suitably addressed in the Operational Marketing Plan.

1.5 Purchase of new containers (capital expenditure)

- 1.5.1 The new collection arrangements will require both District Partner Authorities to purchase new containers for residents in relation to internal and external food waste collection, and the opt in garden waste service. The selection of the new containers will be considered by the District Partner Authorities in close liaison with the successful contractor and a final decision will be undertaken by the Member Group established by this Board. A sum of £700,000 was set aside in an earmarked reserve specifically to meet the purchase cost of the new containers. There is a need for this project to be included within the Council's Capital Plan and attached at **Annex 1** is a completed Capital Plan evaluation pro-forma for Members' approval.
- 1.5.2 Members will note from **Annex 1** that the estimated cost is in the region of £600k based on published figures from the Eastern Shires Purchasing Organisation (ESPO) framework. This accounts for 51,000 internal and external food caddies, caddy liners and 20,000 240 ltr. wheeled bins for garden waste. Subject to final product selection and costings it is anticipated that the earmarked reserve will be adequate to fund the container purchase in full. The Council has used purchasing frameworks on a number of occasions, most recently for the purchase of the new car park ticket machines. Separate to the purchase of the new containers provision already exists in List A of the Capital Plan for the replacement of existing containers and the purchase of new containers due to growth in housing numbers.

This budget provision will need to be reviewed and adjusted as part of the Capital Plan Review later in the financial year.

- 1.5.3 Members are requested to recommend to Council the purchase of containers for the new contract be added to the Capital Plan, funded from the earmarked reserve.

1.6 Contract implementation/mobilisation

- 1.6.1 The contract start date is 1st March 2019 with service commencement dates of 1st March 2019 for TMBC and 31st March 2019 for TWBC, delivering the services in accordance with the current arrangements. The new service model is required to be introduced across both District Partner Authorities between 1st July – 30th November 2019 with the contractor working in close liaison with the District Partner Authorities.
- 1.6.2 Subject to the award of the contract it is the intention for Officers from the District Partner Authorities to develop a detailed Mobilisation Plan to ensure the specific requirements of the contract are met. An essential element of the Plan will be providing clear and continuous communication with residents and this will be addressed alongside the Council's Operational Marketing Plan reported elsewhere in these papers. Members of this Board will be kept regularly updated on progress and will help ensure that a continuity of service is provided and service standards are maintained. The next two meetings of this Board are both in advance of the commencement of the new contract i.e. 5th November 2018 and 11th February 2019.

1.7 Marketing/Communication

- 1.7.1 At previous meetings of this Board Members have stressed the need for a high priority to be given to communication with residents over the changes being made to the service. Members have also expressed a wish for a wide range of marketing techniques to be used to reach as many residents as possible, and for communication to start as early as possible. This issue has also been highlighted in the Equality Impact Assessment reported later in these papers at sub-section 1.11.
- 1.7.2 To assist in this regard, an external marketing consultant was appointed to develop a Strategic Communications Overview to guide the work of the Officer Team and Member Group. A copy of the Plan produced by Maxim PR and Marketing is attached at **Annex 2** and Members will note that it incorporates objectives, key messages, key communication principles, audiences, route to market, timings and risks. The Overview was considered in advance of this meeting by the Member Group established by this Board, and a number of detailed comments were received which will be incorporated in the Operational Marketing Plan.

- 1.7.3 In terms of delivering the Operational Marketing Plan a new temporary 18 month post of Waste Contract Officer has been created to work alongside the Officer Team and the Council's own Media Team. The new post holder, previously undertook an identical role for the Mid-Kent Waste Partnership when it changed its Waste Contract arrangements across Ashford, Swale and Maidstone, has worked in the private sector and is already progressing a number of actions recommended in the Overview. The post holder will also work closely with the Member Group established by the Board, ensuring that Members are kept fully up to date with progress.
- 1.7.4 To deliver a comprehensive Operational Marketing Plan will require an adequate budget. Whilst it is not possible at this stage to accurately specify a budget, as a number of initiatives may be delivered in partnership with the contractor or TWBC, it is worthy of note that WRAP (Waste & Resources Action Programme) suggests a minimum budget of approximately £1.50 per household for communication details of a new service which would suggest an overall budget of £100,000. It is therefore the intention to utilise the Invest to Save Earmarked Reserve to fund the implementation of the Operational Marketing Plan at this level, and report back to Members of this Board on a regular basis.
- 1.7.5 Members are requested to approve the Strategic Communications Overview at **Annex 2** to this report and receive regular update reports to future meetings of this Board.
- 1.7.6 Members are further requested to recommend to Council a budget of £100,000 funded from the Invest to Save reserve to implement the Operational Marketing Plan.

1.8 IT Considerations

- 1.8.1 In order for the contract to be successfully mobilised and the NOM introduced efficiently & effectively, a number of IT-related projects will need to be undertaken both prior to contract start, and prior to the roll-out of the new services. Experience elsewhere indicates that without a significant investment of time & resource in implementing such changes there are real risks, not only of potential service failures, but also a high chance of public dissatisfaction, a lower level of uptake of the garden waste subscription service, and associated financial risks. There are a significant number of issues that need to be addressed. These include updated databases, reviewing GIS mapping data, testing of invoicing systems, development of garden waste subscription and payment systems and a review and update of the website. Partnership opportunities are currently being explored with Tunbridge Wells Borough Council and the Council's IT Services has identified the project as a priority within its work programme.

1.9 Legal Implications

- 1.9.1 The Council has a legal duty to provide waste and street cleansing services. The procurement of the new contract has been undertaken in compliance with all

current legislation, including the Public Contract Regulations. Legal Services at both this authority and Tunbridge Wells Borough Council – together with Dartford Borough Council’s Procurement team - have been directly involved in advising the Project Team throughout the procurement process, including specific involvement with the Inter Authority Agreements, Conditions of Contract and giving legal advice on the procurement process. Legal advice has also been sought from specialist Solicitors on the procurement process as required during the project.

- 1.9.2 The adoption of the proposed recycling collection services is considered to assist the Council in meeting its requirements under the Waste (England & Wales) Regulations 2011, which are to provide separate collections where necessary to achieve high quality recycling.

1.10 Financial and Value for Money Considerations

- 1.10.1 The financial implications of awarding the waste contract are set out in the Part 2 paper elsewhere on the agenda. This section sets out the financial implications of matters highlighted for Members’ attention within this public (Part 1) report. A summary of all the financial implications, assuming all recommendations are approved or supported, is appended to the Part 2 report.
- 1.10.2 The annual level of income in respect of the “opt-in” garden waste service is clearly dependent on the level of take-up of the service and the charge set. For the purpose of the financial model a take-up rate of 30% and a charge of £35 (see paragraph 1.4.3) have been used giving a gross income in the order of £550,000.
- 1.10.3 Inevitably, excluding any staff resources, there will be ongoing direct administrative costs for the Council in collecting the new stream of garden waste income (e.g. bank charges, correspondence, etc.). These non-staff costs will depend on the uptake of the garden waste service, but based on the assumption of a 30% take-up above, we estimate a cost of circa £25,000 per annum.
- 1.10.4 The Council will in future not have to make provision for the two recycling vehicles jointly owned with Tunbridge Wells Borough Council at an annual cost of £16,000 and for the replacement of bring banks at an annual cost of £3,000.
- 1.10.5 As noted in paragraph 1.5, subject to Members’ approval of the capital plan evaluation, the initial purchase of garden waste bins and internal and external food caddies at an estimated cost of £600,000 can be met from an earmarked reserve established for this purpose. Clearly, the estimated cost would increase were the take-up rate to be higher than the assumed 30%. There are a number of options as to how this potential increase in cost might be funded which will be the subject of further consideration in due course, as appropriate.
- 1.10.6 Quite apart from the imminent purchase of the new garden waste bins and caddies as set out above, we will need to make provision in our ongoing capital budget for new and replacement bins. In recognition of increased volumes, we estimate that an increase of £37,000 per annum needs to be provided for – and

this is set out in the capital plan evaluation at **Annex 1**. This aspect will be taken into account during the forthcoming capital plan review.

- 1.10.7 Finally, in relation to paragraph 1.7, Members are asked to recommend to Council that a 'one-off' marketing / communication budget in the sum of £100,000 is established in order to fulfil the Operational Marketing Plan. This can be funded from the Invest to Save earmarked Reserve subject to Member approval.

1.11 Equality Impact Assessment

- 1.11.1 Under the Public Sector Equality Duty (section 149 of the Equality Act 2010) the Council is required to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; (ii) advance equality of opportunity between people from different groups; and (iii) foster good relations between people from different groups.
- 1.11.2 At the February 2018 meeting of this Board Members were advised that there are a number of individual specifications and service elements associated with the contract which deal with protected characteristics under the Equality Act. One example is the provision for a bin "pull out" service for those who require assistance such as disabled residents or those who are frail and elderly. At the meeting it was noted that a detailed EQIA was being undertaken with the assistance of Tunbridge Wells Borough Council's Corporate Governance Team. It was also noted that the intention of this Council was not to offer a concessionary reduction for the garden waste charge as being in receipt of Council Tax reduction is not in itself a protected characteristic within the Equality Act. It was also recognised that there are alternative methods of disposing of garden waste, such as home composting and using Household Waste Recycling Centres.
- 1.11.3 A copy of the final EQIA is attached at **Annex 3**. Members will note that the EQIA identifies three impacts to draw to the attention of the Board as follows:-
- i) The need for a supported service by those with a protected characteristic or disability who require assisted collections – this was built into the contract specification and allows for a possible increase in numbers over the duration of the contract. The successful contractor will be required to meet any requests for this assisted service.
 - ii) Communicate changes to the service to residents with the protected characteristics of age and disability – this issue has been addressed within the Strategic Communications Overview reported separately in these papers. The aim of the Operational Marketing Plan will be to reach all residents and all age groups within the Borough as far as it is practicable through a balance of traditional and more innovative forms of marketing/promotion.
 - iii) Monitor the delivery of the new contract to measure its success in improving levels of service including those with protected characteristics – regular monitoring reports will be reported to Members of this Board. This will involve

monitoring the provision of an assisted collection service to ensure it is meeting people's needs.

1.12 Policy Considerations

1.12.1 Communications

1.12.2 Community

1.12.3 Customer Contact

1.12.4 Procurement

1.13 Conclusion

1.13.1 The procurement of the new contract has been a major piece of work involving Officers from across the Council working in close partnership with colleagues from Tunbridge Wells Borough Council.

1.13.2 The new contract will offer real opportunities for service improvements which have been requested by residents over a number of years. The introduction of the kerbside collection of plastics and glass will help improve the Council's recycling rate which has remained largely unchanged over the last few years.

1.13.3 It is important to note, however, that the appointment of the successful contractor as set out in Part 2 is just another milestone within the delivery of the project, with a significant amount of work now required to ensure the successful mobilisation and implementation of the new arrangements. It has been recognised that good communication with our residents will be essential to the success of the new contract and this area will be the subject of ongoing liaison with Members.

1.14 Recommendations

1.14.1 It is RECOMMENDED to **CABINET** that:-

- i) the details and style of joint branding to be used by the successful contractor be considered in liaison with the established Member Group and Tunbridge Wells Borough Council;
- ii) delegated authority be given to the Director of Street Scene, Leisure & Technical Services in liaison with the Cabinet Member for Street Scene & Environment to approve the final form of the Joint Working Agreement to be entered into;
- iii) the role of Partnership Manager be undertaken in the first year of the new contract by this authority;

- iv) the current Capital Plan provision for the replacement of existing containers and purchase of containers for new households be reviewed and adjusted as part of the Capital Plan review;
- v) the procurement of the new containers for the Waste Services Contract be progressed through an appropriate Purchasing Framework;
- vi) the Strategic Communications Overview included at **Annex 2** and approach to the development of a detailed Operational Marketing Plan included within the report be approved;
- vii) the actions to address the impacts identified in the Equality Impact Assessment as outlined in the report be noted.

1.14.2 It is RECOMMENDED to **COUNCIL** that:-

- i) the charging proposals for the new opt in garden waste charge as outlined in the report be agreed;
- ii) the provision of new containers for the Waste Services Contract be added to the Capital Plan, funded from the earmarked reserve, as set out in **Annex 1** to the report;
- iii) a marketing/communication budget be established to publicise and promote the new enhanced service in the sum of £100,000 funded from the Invest to Save reserve.

Background papers:

contact: Robert Styles

Nil

Julie Beilby
Chief Executive

Robert Styles
Director of Street Scene, Leisure & Technical Services

for Management Team

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Capital Plan Evaluation

1	SSL&T Waste Services Contract – Purchase of new containers					
1	Specification:					
	(i)	Purpose of the scheme	To purchase containers for food waste and garden waste required for the new Waste Contract.			
	(ii)	Relevance to National / Council's Objectives	(a) National:	Delivery of priority services and a financially viable Council Reducing cost of procured services Developing/sustaining revenue income Recycling more household waste		
			(b) Council:			
	(iii)	Targets for judging success	(a)	Delivery of new service arrangements Cost effective procurement Generate new income stream for garden waste Increased recycling rates		
			(b)			
			(c)			
			(d)			
2	Description of Project / Design Issues: The new Waste Contract is being progressed in partnership with Tunbridge Wells Borough Council and Kent Council Council, and will see the provision of an improved service to households including the collection of food waste and dry recyclates. The contract will also see the introduction of an opt in service for garden waste. The new contract will require the purchase of internal and external food caddies, and a garden waste bin for those opting into the service.					
3	Milestones / Risks: Mobilisation of the new contract arrangements will take place between July-November 2019, and the new containers will need to be procured and available to meet this timescale. It is the intention to use a procurement framework to achieve value for money.					
4	Consultation: Consultation will be undertaken between the District Partner Authorities, with the successful contractor and the established group of Members.					
5	Capital Cost: £600,000 estimated cost based on the purchase of 51,000 internal and external food caddies and 20,000 240 litre wheeled bins for the garden waste scheme to be funded from an earmarked reserve established for this purpose					
6	Profiling of Expenditure					
		2018/19 (£'000)	2019/20 (£'000)	2020/21 (£'000)	2021/22 (£'000)	2022/23 (£'000)
			600			
7	Capital Renewals Impact: The containers will have a life expectancy of approximately 10 - 20 years and provision will need to be made in the Capital Plan for their renewal at an estimated £34,000 per annum and to cater for tax base growth (500 properties each year) at an estimated £3,000 per annum.					

Capital Plan Evaluation

8	Revenue Impact: The purchase of the new containers are required to meet the revised service arrangements of the new Waste Contract. The new arrangements include an opt in for residents to a garden waste collection service which will be subject to an annual fee. See covering report for detailed analysis.		
9	Partnership Funding: N/A		
10	Post Implementation Review: 12 months after mobilisation of new arrangements is complete.		
11	Screening for equality impacts:		
	Question	Answer	Explanation of impacts
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?	No		
12	Recommendation: The provision of new containers for the Waste Services contract be added to the Capital Plan List A, funded from an earmarked reserve.		

*Tonbridge & Malling Borough Council
New waste collection and recycling service
Strategic communications overview*

Prepared on behalf of Tonbridge & Malling Borough Council by
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12 July 2018



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2. Introduction

Maxim PR & Marketing Ltd (Maxim), a long-established West Kent agency with a track record of working with local government, was commissioned by Tonbridge & Malling Borough Council (TMBC) to undertake an independent, high level review of the communications issues surrounding the introduction of the new waste collection and recycling service in 2019. The firm had previously been involved with developing a marketing analysis for the West Kent Waste Partnership Group in 2017.

As part of its work, Maxim was asked to look at issues such as:

- Key messages
- Possible risks and how to address them
- Audiences
- Communication channels
- Indicative costs

This report has been informed by meetings with and feedback from Council Officers, research into what has worked elsewhere in Kent and further afield and a realistic assessment of likely costs. The report is not intended to be a detailed marketing plan. That will be developed once a contractor has been appointed and further details are known about the new service arrangements.

3. Aims, objectives and key messages

Aim of the Communications Plan

The overall aim of the communications activity in the run-up to the new service should be:

To support the successful and smooth introduction of the new waste and recycling service in 2019, with residents understanding how to participate and how to correctly recycle as much material as possible.

Objectives

Underlying the overall aim of the work, there should be the following objectives:

- Informing all householders within the Borough which items can be recycled using the different domestic recycling/refuse bins/boxes and the waste food caddies
- Ensuring residents understand which other items can be recycled at municipal tips, bring sites and weekly bulk collection
- Achieving at least 30 percent of Borough households signing up to the new garden waste service

Key Messages

The proposed key messages are that:

- The new service is good for the environment
- It is better value for money
- It is easy to use
- It helps to protect the provision of other frontline Council services
- Charging for garden waste is more equitable (those who use the service pay for it) and is optional.

These messages largely mirror the agreed objectives for the retendering project:

- Increased recycling performance
- Financial savings
- Service improvement and efficiencies
- Greater consistency across partner organisations

Subsidiary Messages

Other messages that need to be included within future communications activity are:

- This is a massive logistical exercise involving 52,000 households. There will undoubtedly be teething problems but the Council will ensure residents can easily access support
- TMBC is one of only four councils in the County that doesn't currently charge for garden waste collection
- Residents have long-wanted kerbside recycling for plastics and glass – this is now being provided (TMBC is one of only two Councils in the country not to offer kerbside plastics)
- TMBC would have liked to introduce the new service sooner but was hindered by the contractual terms of the previous waste contract, which runs until the end of February 2019
- TMBC wants to improve performance in terms of its recycling. The new service aims to increase recycling rates from the current 42% to 50%, with a more convenient service for residents
- The new service is good for the local economy
- All new containers will be provided free of charge
- Popular services such as weekly bulk collections will remain
- Ten strategically placed recycling sites will be retained

4. The corporate context

Alignment

Communications regarding the new waste/recycling service will reflect the corporate vision set out in the Corporate Strategy 2017 - 19:

To be a financially sustainable Council that delivers good value services, provides strong and clear leadership and, with our partners, addresses the needs of our Borough.

With the following core values:

- *Taking a business-like approach* – focusing on ensuring good value for money, continuously reviewing how our services are provided and funded, focusing our available resources where they will have most beneficial impact, and maximising commercial opportunities.
- *Promoting Fairness* – acting transparently at all times and being accountable for what we do, and promoting equality of opportunities.
- *Embracing Effective Partnership Working* – achieving more by working and engaging effectively with a wide range of local partners from the private, public, voluntary and community sectors.
- *Valuing our environment and encouraging sustainable growth* – keeping our towns, villages and countryside clean and well maintained, planning for our future homes and jobs and seeking investment in economic regeneration and infrastructure.

Communications activity will be informed by what has worked well elsewhere, advice from organisations such as the Waste and Resources Action Programme, insight from the Corporate Communications team and assistance from external consultants. It builds on previous work undertaken by West Kent Waste Partnership Group and Kent Resource Partnership.

Current vs Future Situation

Below is a summary of the proposed changes in service:

Current service:

Material	Frequency	Containers
Garden Waste, Food Waste, Cardboard	Fortnightly	240L Wheeled Bin (Black with Green Lid)
Dry Recycling: Paper & cans	Fortnightly	55L Green Box
Residual Waste	Fortnightly	240L Wheeled Bin (Black with Black Lid)

Future service:

Material	Frequency	Containers
Food waste	Weekly	23L Food Bin
Residual waste	Fortnightly	240L Wheeled Bin
Dry recycling: Paper & card	Fortnightly	55L Green Box
Dry recycling: Glass, cans, plastics and cartons	Fortnightly	240L Wheeled Bin
Garden waste	Fortnightly opt-in, paid-for	240L Wheeled Bin

The principal changes are:

- The introduction of kerbside collections for glass and plastics
- Changes in the way food waste and cardboard are collected
- The introduction of a charge for collecting garden waste

The demographics of the Borough (and related issues to consider)

Geodemographic data (Acorn) about the Borough shows a broadly well-off population in good housing stock.

In Acorn terms:

1. 31.9% are Affluent Achievers
2. 9.3% are Rising Prosperity
3. 29.9% are Comfortable Communities
4. 20.6% are Financially Stretched
5. 8.1% are Urban Adversity
6. 0.2% are Not Private Households (residents of hostels, refuges etc)

Groups 4 and 5 are likely to contain those households which may have greater difficulty adapting to the new service – and being able to accommodate the proposed bins.

For example, 351 households in group 4 are pensioners and singles in social rented flats; 263 are people in deprived areas and high-rise flats; 499 are families and single people in social rented flats.

This is not new territory for the Council and resources will be directed accordingly, with, for example, teams of doorknockers available to go from residence to residence.

How we will communicate – key principles

All communications material will be prepared in accordance with TMBC's Corporate Communications Guide and:

- Be clear and easy-to-understand, written in plain English
- Have consistent branding
- Contain consistent key messages
- Allow for a two-way dialogue
- Where appropriate, prepared in consultation with Tunbridge Wells Borough Council, Kent County Council and the contractor
- Take into account the findings of the Equality Impact Assessment

5. Audiences

A number of different audiences will need to be considered when introducing the new waste & recycling service. Key messages will be consistent although actual marketing activity will differ from audience to audience. Broadly speaking, the audiences break down into internal and external ones.

Internal

- Member Working Group
- Other TMBC Councillors
- TMBC staff
 - The Directorate's existing Customer Services team
 - The corporate Customer Services team
 - The Gateway team
 - All employees as ambassadors for the Council
- The successful contractor
- Kent County Council

External

- Residents
- Parish and Town Councils
- Community and environmental groups
- Children and young people
- Social housing landlords
- Managing agents for private sector rented properties
- Street monitors
- Liberty Property Trust and similar developers
- MPs

6. Routes to market and timings

Routes to market

Experience from TMBC and other local authorities shows that door-dropped printed material and publicity in the local media remain effective ways of communicating with residents. However, it is important the marketing support for the new service adopts a multi-channel approach to reach as many residents as possible, as often as possible.

The work could include:

- 1-2-1 briefings – particularly recommended for the Borough's two MPs. Given there has already been publicity about the proposals for garden waste, an introductory briefing is advisable in the near future, with a second as details of the new service become clearer

- Briefing sheet for Members and other influencers
- TMBC intranet and team meetings
- Local media – early briefing is essential
- Email/text
- Frequently Asked Questions
- Social media
 - @TMBC Kent has 4,100 followers (as of June); there are 1,000 followers on Facebook. TWBC figures are 9,000 and 960 respectively so there may be scope to make better use of Twitter and build engagement in the run-up to the new service
 - YouTube – previous videos have been viewed up to 1,200 times each
 - Instagram could also prove useful but resource may well be better deployed elsewhere rather than trying to start and run a new social media account from scratch
- Council tax bill insert
- Website – Waste & Recycling is the first item on the home page of tmbc.gov.uk but there may be merit in a bespoke website with a link to the existing TMBC site that can be built externally. This would reduce the demand on the in-house IT team but also make it easier for residents to access a comprehensive source of information.
- Roadshows – shopping centres/community events/schools. Maidstone Borough Council ran an effective school assembly roadshow to promote the recycling of kitchen waste
- Advertising (print media, social media, SkyAdsmart, local radio, bus backs)
- Community noticeboards
- Doorknockers
- Councillors
- Customer Services team
- Community groups
- 200 Street monitors
- My Account

The content, timings and deployment of the above will be the subject of a separate Tactical Promotional Plan once further details of the contractor and operational scope of the new service are known. The Promotional Plan will be developed in close liaison with the Member Group established by the Street Scene & Environment Advisory Board.

Timings

Until the contract is awarded in early to mid-September 2018, it is not possible to develop a detailed timetable for the communications activity. However, some points to bear in mind include:

- The Council should aim for a four-month lead-in promotional campaign for the introduction of the new garden waste service
- There is already a degree of awareness that changes are coming.
- While it is generally beneficial to communicate early with residents, the Council needs to avoid generating too much interest if there are still outstanding issues to be resolved and if resource is not yet in place to respond to queries

7. Resource and indicative costs

Resource

TMBC will ensure sufficient resource is available to make sure a successful marketing campaign can be delivered.

Current human resource includes:

- Cllr David Lettington, Cabinet Member for the Environment
- Alison Sollis, Waste Contract Officer appointed in June, experienced in the implementation of waste/recycling collection services
- David Campbell-Lenaghan, Street Scene Manager
- Darren Lanes, Head of Street Scene & Leisure Services providing managerial support
- TMBC Comms Team fully briefed and ready to support
- The Directorate's existing Customer Services Team
- New contractor will make staff available
- Tamsin Ritchie, Environmental Projects Co-ordinator
- External Consultant – Maxim PR & Marketing

Given the scale of the proposed changes, it is recommended additional temporary staff are recruited to enable the Customer Services Team to cope with the high volume of calls to be expected.

Indicative costs

Clearly, the detailed Tactical Promotional Plan will need to reflect the budget available. The Council's overall budget is currently under pressure but in order to ensure a smooth transition to the new collection method and the promotion of garden waste service, a one-off budget will be required. It is also worth viewing promotion of the new garden waste service as an investment, as exceeding the 30% target take-up will generate additional revenue.

WRAP (Waste & Resources Action Programme) suggests a figure of at least £1.50 per household (guidance 2013 -15) for communicating details of a new service, therefore TMBC will require an estimated overall budget of £100,000.

By way of illustration, the following are some sample ballpark costs:

- Printing 3 x 50,000 x A4 polypropylene stickers to affix to repurposed wheeled bins = £7,200 x 3 = £21,600
- Film – introductory film (similar to the one produced by Tunbridge Wells Borough Council) = £3,500
- 30 sec advert, using above introductory video content, for use on TV and social media = £1,000 to include music licensing
- Sky AdSmart campaign using 30 sec advert above = £4,000 (c.15,000 households in the Tonbridge & Malling area can receive AdSmart. The campaign would deliver on average six viewings of the advert to 90 per cent of the eligible households)

- A radio advertising campaign on kmfm targeting West Kent would cost in the region of £200 a week, or £2,000 for a 10-week awareness-raising campaign. The West Kent audience reach is 45,000 adults over four weeks. However, as the audience is spread across Tonbridge, Tunbridge Wells and Sevenoaks, it would make sense to do a joint campaign with Tunbridge Wells Borough Council and then signpost listeners to further information for their area
- Editing of food recycling animation produced for Maidstone Borough Council = £2,000 plus licensing fees (assumes MBC is willing to allow this)
- Media advertising – this is problematic as there is no single publication focused solely on the area covered by Tonbridge & Malling. Two options are set out below:
 - Adverts in the Courier will appear in Tunbridge Wells as well. However, a half page print advert (cost £380 for a single insert) comes with a package that includes 35,000 online geo-targeted impressions (which can be focused reasonably tightly on Tonbridge & Malling)
 - If booked far enough in advance, it would be possible to secure the back page of the Times of Tonbridge, which has a circulation of 10,000 and is not distributed in Tunbridge Wells. The full page costs £400, so a 12-week campaign with the advert appearing every other week would cost at most £2,400
- Printing 8-page A5 introductory brochure X 50,000 for the introductory pack = £3,500 (there would also be a design cost)
- Postage – by way of illustration, it cost £15,433.28 to post the 2018 council tax bills
- Simple flyers and leaflets – to be designed and printed in-house

8. Risks and mitigation

Introducing a key, new service on this scale is fraught with risk, both in terms of its practical implementation and the council's reputation.

Areas of potential concern include:

Concern	Mitigation
Poor take-up of garden waste service.	Early marketing campaign & allowing plenty of time for sign up before service commences – however not delaying service start too long or will miss growing season.
Discontent with introduction of chargeable garden waste collection.	Effective media briefing; robust messages and marketing campaign. Setting of charge to reflect county average and consider promotional incentive.
Residents adding garden waste to their residual waste.	Clear labelling of residual waste bin showing unacceptable materials (garden & food waste). Initial light touch educational approach with subsequent sanctions for repeat offenders.

Residents' frustration at being unable to easily contact sources of advice/help.	Investment in Customer Services team; development of comprehensive website information; clearly produced explanatory literature.
Failing to meet the national recycling target of 50% by 2020.	Ongoing educational & promotional activities to reinforce messages. Participation monitoring to measure success and target any poor performing areas. Ongoing communications with residents thanking them for using the new service – publicise any increase in recycling rates.
Residents fail to sort recyclates correctly and put the wrong waste in the wrong bins/boxes.	Development of a comprehensive, multi-channel tactical marketing campaign with adequate financial and human resource.
Deteriorating service if current incumbent is not reappointed.	TMBC Contract Manager will strive to work with the existing contractor to deliver the standard of service expected and encourage the co-operation of existing contractor during the handover period. Additional monitoring staff appointed.
Insufficient in-house IT resource for timely website amends.	Build an external bespoke website linked to the corporate website. This will give the residents instant access to all the information they need.
Data issues (no matter how good the comms, if there is a repeat of the North Herts garden waste collection problems, the council will receive weeks of bad publicity).	Systems must be thoroughly tested and trialled. Engage in-house IT early in the mobilisation process to ensure systems in place for processing payments (all types) and data feed/compatibility to new contractor.
Concern among contractor staff about their jobs.	New contractor 'open days' and communications to allay fears.
Adverse press coverage.	Early briefing of the press on the new service. Media training can be made available if required.
Inconsistent messaging to the local media from TMBC, TWBC and the new contractor.	Agree common protocols between the three parties regarding content/issuing of press releases.
Ineffective partnership working with TWBC.	Clear project management structure between authorities.

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Summary of decision to be made:	To agree a new contract for the provision of refuse, recycling and street cleansing for Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council.		
Lead Officer (job title):	Corporate Governance Officer (Tunbridge Wells Borough Council)		
Date the final decision is due to be made:	17/09/2018	Date this assessment commenced:	19/10/2017
Sign off by Tunbridge Wells B.C.	Name / electronic signature	Date:	Click here to enter a date.
Sign off by Tonbridge & Malling B.C.	Name / electronic signature	Date:	Click here to enter a date.
Is the decision relevant to the aims of the Public Sector Equality Duty to:			
Eliminate discrimination, harassment and victimisation			No
Advance equality of opportunity			Yes
Foster good relations			No
Background:			
The current waste services contract for refuse, recycling & street cleansing is due to end in 2019 and is being retendered on a partnership basis. This will provide waste collection services to:			
52,736 households in the Borough of Tonbridge and Malling			
49,038 households in the Borough of Tunbridge Wells			
Source: Partner Authorities Waste Data as at 31 October 2017			
Scope of this equality impact assessment:			
This Equality Impact Assessment will consider the Nominal Optimal Method as the selected collection system, and is summarised as:			
Refuse and Recycling Collection Services:			
<ul style="list-style-type: none"> • A weekly food waste collection • An alternating fortnightly collection of mixed dry recyclables <ul style="list-style-type: none"> ○ Plastic, metals, cartons and glass (in wheeled bin) ○ Paper and card (separate container) • An alternating fortnightly collection of residual waste (majority wheeled bin; plus exemptions via sacks and communal/bulk bins) • A separate fortnightly "opt in" Collection of garden waste (wheeled bin) 			
Street Cleansing Services:			
<ul style="list-style-type: none"> • Cleansing of public highways • Car park cleansing • Cleansing of miscellaneous Council owned land and other related land • Emptying of litter and dog bins • Removal of fly tipping 			

The table below indicates whether the Nominal Optimal Method will change the frequency of collection or type of material collected at each authority:

Tonbridge and Malling Borough Council	Tunbridge Wells Borough Council
<ul style="list-style-type: none"> – Plastic, glass and cartons to be included in fortnightly recycling collection (paper and card currently collected) – Fortnightly garden waste collection to become opt in – Food waste to be collected weekly (was fortnightly) 	<ul style="list-style-type: none"> – Glass and cartons to be included in fortnightly recycling collection (plastic and cans currently collected) – Fortnightly garden waste collection to become opt in – Food waste to be collected weekly (was fortnightly)

This Equality Impact Assessment will focus on those aspects of the service where there is a potential for change, including:

- The principle of charging for the collection of garden waste
- The possibility of an increase in the quantity or weight of containers that residents will need to use
- Provision of a Weekend Civic Amenity Refuse Collection Service in Tunbridge Wells to collect bulky domestic waste items (excluding garden waste) from those who live in parishes located away from the North Farm Tip.
- Provision of a Saturday Freighter Service in Tonbridge & Malling to collect bulky domestic waste items (excluding garden waste)

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This Equality Impact assessment focuses on the contract specifications for refuse, recycling and street cleansing services. It does not consider operational issues in relation to how the service will be delivered in each local authority.

Data and information:

Census (2011)

Average Household Size is in line with the Kent (2.4) and national average (2.4):

Tonbridge & Malling: 2.5

Tunbridge Wells 2.4

Performance and residents feedback

Tonbridge & Malling:

- Recycling performance is 42%
- Feedback includes reports of bins not being returned correctly, outstanding replacements or repairs and repeated missed bins. Figures show an increase from 1048 in 2015/16 to 1404 in 2016/17.

Tunbridge Wells:

- Recycling performance is 48%
- The average number of missed bins per collection day increased from 7.83 in 2016/17 to 18.37 in 2017/18.
- The average number of days to remove fly tips reported to the Council increased from 1.67 in 2016/17 to 2.33 in 2017/18.
- Standard of performance of street cleansing improved from 98.03% in 2016/17 to 100% in 2017/18.
- Complaints received through the complaints procedure only (does not include service requests such as missed collections or requests for replacement bins) show there has been an increase of complaints in relation to the refuse and recycling collection service from 53 in 2015/16 to 66 in 2016/17. The number of fly tipping complaints has increased from 1 to 3 in the same period. The number of complaints relating to litter has increased from 7 in 2015/16 to 14 in 2017/18. There has been a decrease of complaints relating to street cleansing from 4 in 2015/16 to 3 in 2016/17.

Conclusions: the way customer feedback is recorded differs across authorities so direct comparisons between authorities cannot be made. Whilst levels of complaint are relatively low the figures indicate a slight increase in complaints in the last two financial years.

Consultations

Tonbridge & Malling: no consultation data available.

Tunbridge Wells: for refuse and recycling services, the Residents' Survey 2015 found that:

- 94% of respondents used kerbside collection of household rubbish
- 84% used kerbside collection of green waste and food waste for composting
- 81% used kerbside collection of paper & cardboard recycling
- 76% used kerbside collection of plastic pots, tubs, bottle and cans
- 47% used local recycling sites
- Satisfaction with kerbside collections and recycling services was high with 8 in 10 indicating they were satisfied.
- Satisfaction was highest for the weekend civic amenity vehicle waste collection service (90%) kerbside collection of paper and cardboard recycling (89%) local recycling sites (89%) and kerbside collection of plastic pots, tubs, bottle and cans (89%).
- 53% of respondents indicated that they would support a £5 increase across the year to the Council Tax they pay to preserve some services such as bin collection. 39% indicated that they would not support it and 8% were unsure. There were significant differences by working status as follows:
 - Working residents: 56% would support it
 - Residents looking after the home: 57% would support it
 - Unemployed residents: 36% would support it
- The Overview and Scrutiny Committee appointed a Task and Finish Group to review the process leading up to the renewal of the Council's Recycling and Household Waste Collection Contract. The Group spoke with a number of stakeholders and gained information from a number of sources on how waste and recyclables are currently managed and formed a view of how a recycling/household waste service may operate over the next 8-10 years with increased recycling and better cost effectiveness. The Group noted that:
 - Following implementation of changes to the frequency of the Civic Amenity Refuse Collection Service, the tonnage collected by vehicles

has reduced significantly, from 750 tonnes between August 2015 and December 2015 to less than 240 tonnes, with 62 tonnes of compostable material being recycled.

- All Councils in Kent, with one exception, offer a chargeable opt in garden waste collection service.
- An ongoing programme of messages and education around recycling and waste minimisation is necessary.

Relevance to the three aims of the Public Sector Equality Duty:

1. The provision of refuse and recycling collection services and street cleansing services is not relevant to the first aim of the Duty to eliminate discrimination, harassment and victimisation.
2. The need to consider how we can take steps to meet the needs of people with “protected characteristics”, who receive refuse and recycling collection services and street cleansing services, is relevant to the second aim of the Duty to advance equality of opportunity.
3. The provision of refuse and recycling collection services and street cleansing services is not relevant to fostering good relations.

For each of the following characteristics:

- Summarise available data, statistics or consultation findings.
- State how the proposal will impact on people.
- What action will be taken to reduce or mitigate any potential negative impacts.

Disability

Data and information

Census (2011): the percentage of the population in receipt of disability benefits (individuals not households) is lower than the Kent (8%) and national average (8.2%):

Tonbridge & Malling: 6.4%

Tunbridge Wells: 5.7%

The percentage of households with one or more people with a long-term health problem or disability:

Tonbridge & Malling: one person - 23%; two or more people - 6%.

Tunbridge Wells: one person - 22%; two or more people - 5%.

Number of assisted collections:

Tonbridge & Malling: 977 (2%)

Tunbridge Wells: 1731 (approximate) (3.7%)

Complaints and service requests relating to assisted collections are not consistently monitored across both authorities. Tonbridge & Malling recorded 12 missed assisted collections in 2016/17 (0.85% of all complaints). Tunbridge Wells recorded one complaint relating to assisted collections in 2016/17.

Consultations:

The Residents' Survey (2015) for Tunbridge Wells found that 35% of respondents who are permanently sick or disabled would support a £5 increase across the year to the Council Tax they pay to preserve services some services such as bin collection, compared with 54% of respondents overall.

Assessment of impacts

Charging for services

Residents with a disability who are in receipt of benefits or unable to work may not be able to afford to opt-in to the new garden waste collection service.

Domestic garden waste can be disposed of free-of-charge at KCC's Household Waste Recycling Centres. Home composting is an alternative means of disposal. Although not necessary, composting bins can be purchased for significantly less than the annual collection charge. The Council is already part of a scheme which provides home compost bins at discounted prices for its residents.

Possible increase in the quantity or weight of containers

Where additional recycling items will be collected, this may be an improvement in the service for people with disabilities. Residents may have previously taken these to recycling sites which could present accessibility problems for people with disabilities. However, there is also a need to be mindful of the possibility that the weight of containers could increase which may present problems in lifting these to the collection point for some people with disabilities.

The contract includes provision for assisted collections – including for bulky items - and also allows for possible increases in numbers over the duration of the contract.

Weekend Civic Amenity Vehicle (TWBC) & Saturday Freighter Service (TMBC)

We have no data to indicate what proportion of people with disabilities use these services. It is possible that residents with a disability, who are unable to travel to an HWRC, may use the services.

The provision of the Weekend Civic Amenity Refuse Collection and Saturday Freighter Services are included in the contract specification as discretionary items. It is recommended that the services be maintained with garden waste excluded due to the subscription service being introduced.

Provision of information

	<p>It will be necessary to consider how information about changes to the service are communicated to residents with disabilities in an accessible format, including those who receive assisted collections.</p> <p>The Communications Strategy for the new contract and the NOM service will allow for information to be provided in a variety of media and print material will be made available in alternative formats on request.</p>
Race	<p>Data and information</p> <p>Census (2011) Ethnic group of household reference person:</p> <ul style="list-style-type: none"> ▪ Tonbridge & Malling: 97% White; 0.7% Mixed/Multiple ethnic group; 1.4% Asian/Asian British; 0.4% Black/African/Caribbean/Black British; 0.2% Other ethnic group. ▪ Tunbridge Wells: 96% White; 0.8% Mixed/Multiple ethnic group; 1.9% Asian/Asian British; 0.6% Black/African/Caribbean/Black British; 0.3% Other ethnic group. <p>Assessment of impacts</p> <p>Although there is a slight difference in demographics between authorities, we have no evidence to indicate that people have different needs based on their ethnic group, in relation to refuse, recycling and street cleansing services. We have not identified any needs that would need to be addressed in the contract.</p>
Sex	<p>Data and information</p> <p>We have no evidence to indicate that males would have different needs to females in relation to refuse, recycling and street cleansing services.</p> <p>Assessment of impacts</p> <p>We have not identified any needs that would need to be addressed in the contract.</p>
Age	<p>Data and information</p> <p>Census (2011) One person households over the age of 65 are in line with Kent and national averages:</p>

- Tonbridge & Malling: one person - 1%; one family - 10%; other household types all aged over 65 - 0.3%.
- Tunbridge Wells: one person - 12%; one family - 9%; other household types all aged over 65 - 0.2%.

Consultations:

The Residents' Survey (2015) in Tunbridge Wells found that 54% of retired respondents would support a £5 increase across the year to the Council Tax they pay to preserve services some services such as bin collection, compared with 54% of respondents overall.

Assessment of impacts

Charging for services

Residents of all age groups who are in receipt of benefits or unable to work may not be able to afford to opt-in to the new garden waste collection service. We have little evidence to indicate whether some age groups would be more or less able to pay for the collection of garden waste.

Domestic garden waste can be disposed of free-of-charge at KCC's Household Waste Recycling Centres. Home composting is an alternative means of disposal. Although not necessary, composting bins can be purchased for significantly less than the annual collection charge. The Council is already part of a scheme which provides home compost bins at discounted prices for its residents.

Possible increase in the quantity or weight of containers

We have no evidence to indicate that particular age groups will be disadvantaged, in relation to refuse, recycling and street cleansing services.

An assisted collection service – including for bulky items - will be available to people with disabilities, regardless of age group. Large bins will continue to be offered for households that meet appropriate qualifying criteria. For example, households with six or more permanent residents or with children in nappies.

Weekend Civic Amenity Vehicle (TWBC) & Saturday Freighter Service (TMBC)

We have no data to indicate what proportion of age groups use these services. It is possible that people of some age groups, who are unable to travel to an HWRC, may use the services.

The provision of the Weekend Civic Amenity Refuse Collection and Saturday Freighter Services are included in the contract specification as discretionary items. It is

	<p>recommended that the services be maintained with garden waste excluded due to the subscription service being introduced.</p> <p>Provision of information It will be necessary to consider how information about changes to the service are communicated to residents of all age groups.</p> <p>The Communications Strategy for the new contract and the NOM service will allow for information to be provided in a variety of media and print material will be made available in alternative formats on request. Promotional activities will be aimed at all age groups.</p>
<p>Religion / Belief</p>	<p>Data and information We have no evidence to indicate that people would have different needs based on their religion/belief in relation to refuse, recycling and street cleansing services.</p> <p>Assessment of impacts We have not identified any needs that would need to be addressed in the contract.</p>
<p>Sexual Orientation</p>	<p>Data and information We have no evidence to indicate that people would have different needs based on their sexual orientation in relation to refuse, recycling and street cleansing services.</p> <p>Assessment of impacts We have not identified any needs that would need to be addressed in the contract.</p>
<p>Pregnancy / Maternity</p>	<p>Data and information We have no evidence to indicate that people would have different needs based on pregnancy/maternity in relation to refuse, recycling and street cleansing services.</p> <p>Assessment of impacts We have not identified any needs that would need to be addressed in the contract.</p> <p>Although no specific needs for pregnancy/maternity have been identified, the contract does include provision for temporary assisted collections – including for bulky items - to households</p>

	on request.			
Marital or Civil Partnership Status	We have identified that the provision of refuse and recycling collection services and street cleansing services is not relevant to the first aim of the duty to eliminate discrimination, harassment and victimisation.			
Gender reassignment	<p>Data and information</p> <p>We have no evidence to indicate that people would have different needs based on gender reassignment in relation to refuse, recycling and street cleansing services.</p> <p>Assessment of impacts</p> <p>We have not identified any needs that would need to be addressed in the contract.</p>			
Armed Forces Community	<p>Data and information</p> <p>The needs of the Armed Forces community are considered as part of the commitments within the Community Covenant to encourage support for the Armed Forces community working and residing in the borough.</p> <p>Assessment of impacts</p> <p>We have not identified any needs that would need to be addressed in the contract.</p>			
General	<p>Information about suppliers' track record in relation to equality legislation will be collected at the selection stage process in line with the Crown Commercial Service's Procurement Policy Note: Standard Selection Questionnaire (SQ).</p> <p>As part of the tender evaluation process, grounds for discretionary exclusion included breaches of social & labour law obligations (section 3 of the ITT), and specifically obligations under the Equality Act 2010 (Section 7.9).</p>			
Please tick the outcome of this assessment:	No impact	Adjust the policy	Continue the policy ✓	Stop and remove the policy
How will you summarise the impacts in the committee report:	We have considered how we can take steps to meet the needs of people with protected characteristics, who receive refuse and recycling collection services and street cleaning services, and have identified that:			

	<ul style="list-style-type: none"> ▪ The needs of those who have a protected characteristic of disability and require assisted collections have been built into the specification for the new contract. ▪ It will be necessary to consider how information about changes to the service are communicated to residents with the protected characteristics of age and disability. ▪ The procurement of a new contract is intended to improve the level of service received by all residents, including those with protected characteristics. It will be necessary to monitor the delivery of the contract to ensure the service is delivered to an expected standard. This should include monitoring the provision of an assisted collection service to ensure it is meeting people’s needs.
<p>When will you review this assessment:</p>	<p>24/07/2018 During evaluation of tenders and prior to a final decision being made on the award of the contract on 17 September 2018.</p>

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

04 September 2018

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 ENVIRONMENTAL HEALTH PERFORMANCE 2017/18

Summary

This report summarises the operational activities of the Council in relation to its statutory Environmental Health functions undertaken by the Environmental Protection Team and Food and Safety Team for 2017/18.

1.1.1 The Environmental Health function is primarily concerned with protecting the public from the harm they may encounter in the wider environment, food, workplaces and with improving health. Environmental Health Officers act as advisers, educators and regulators and carry out site visits and give assistance to individual householders and businesses and to managers and workers. In certain circumstances, they take enforcement action to ensure compliance with legislation designed to protect the health of the public.

1.1.2 Two Teams work in this area:

- Food and Safety Team (FST) – responsible for the food premises inspection and food sampling programmes, health and safety in our local workplaces providing advice and guidance to employers and responding to requests for service relating to these areas; and
- Environmental Protection Team (EPT) – responsible for requests for service relating to alleged nuisances, responding to planning and licensing applications, contaminated land enquiries, proactive landfill gas and water quality monitoring and meeting the statutory requirements of the environmental permitting, local air quality management and private water supply regimes.

1.2 Food and Safety Team

1.2.1 A significant part of the work of the team is the food premises inspection programme, which includes full or partial inspections of high and medium risk food businesses and questionnaires to low-risk business. A total of 512 full or partial

inspections and 268 information gathering interventions were carried out which includes questionnaires sent to low risk premises. In addition 98 re-visits to food premises were undertaken to ensure legal contraventions had been remedied. All but six programmed interventions to low-risk food premises, that were due in 2017/18, were completed, mainly due to late responses by food business operators. Specific details of food safety interventions are shown in **[Annex 1]**.

- 1.2.2 The Council's results show that at the end of 2017/18, 96 per cent of our food businesses are broadly compliant and have achieved a rating of three or better in the National Food Hygiene Ratings Scheme. Full details are presented in **[Annex 2]**.
- 1.2.3 Food sampling is important to help ensure the safety of food. The Food and Safety team participated in national sampling surveys which examined ready to eat foods such as cooked meats and pies from retail establishments and legionella sampling and swabs from gyms and leisure premises. In addition, samples were taken as a result of food poisoning allegations or complaints of poor hygiene and routine surveillance of a variety of food businesses. In 2017/18, officers took 252 samples and sent them for microbiological examination. Twenty three unsatisfactory results and twelve borderline (acceptable) were investigated and advice given to businesses to resolve problems. Re-samples were taken where required. Further details can be found in **[Annex 3]**.
- 1.2.4 During 2017/18, a total of 257 reports of food poisoning were made and investigated when food businesses were implicated. Campylobacter cases continue to be the largest number of reported cases of food poisoning in the borough, with 191 cases, twenty two more than last year. The incidence of salmonella was just 22 in comparison. The team provides advice to people suffering from food poisoning or food related disease and, where necessary, further investigations and sampling are undertaken with businesses that may be implicated.
- 1.2.5 Officers continue to deliver food safety and hygiene training as part of the West Kent Local Authority Training Partnership, operated in conjunction with other West Kent local authorities. In 2017/18, officers delivered four Level 2 food hygiene courses at Tonbridge and Malling as part of the partnership arrangement, training 39 food handlers.
- 1.2.6 Twenty nine visits were made as a result of accidents at work or complaints about workplaces, mostly relating to workplace transport and slips and trips.
- 1.2.7 The team also made contact with sixty two pubs to ensure that gas appliances had been maintained. Many had not had their gas appliances checked by a Gas Safe engineer within the last twelve months and work is still on-going with a number of premises.
- 1.2.8 The Food and Safety team received 136 service requests in 2017/18. These included complaints about food, food premises and the hygiene of food handlers,

as well as workplace health and safety complaints. All these complaints were fully investigated and relevant action taken. All but three service requests were responded to within the five day target.

- 1.2.9 The team has had one approach by a company to set up a Primary Authority partnership covering workplace health and safety. Preliminary meetings have taken place and both parties are now exploring how the partnership will work in anticipation of a formal partnership request to the Office for Product Safety and Standards (Safety & Standards) who exercise the statutory responsibility for the operation of Primary Authority on behalf of the Secretary of State.
- 1.2.10 **Formal Enforcement Action** – Although our aim is to provide advice and guidance to business operators in the majority of cases, in order to protect public health, it is sometimes necessary to take formal action against businesses. In 2017/18, twenty three food hygiene improvement notices were served to secure compliance for offences such as lack of food hygiene training and inadequate food safety management systems. Twelve health and safety prohibition notices and two improvement notices were also served on other businesses.

1.3 Environmental Protection Team

- 1.3.1 During the twelve months from 1 April 2017 to 31 March 2018, 489 requests for service were received to which the team responded to all but two within five working days. Of that total, 60 concerned the odour from Drytec, which demonstrates a continued decrease from the previous years (739 in 14/15, 140 in 15/16 and 69 in 16/17). Other issues that generated significant requests for service included noise both from domestic and licensed premises, barking dogs, bonfires, and various types of accumulations on private land. Specific details of the types of requests received are shown in **[Annex 4]**.
- 1.3.2 On receipt of a complaint, letters are sent to the complainant (with diary sheets enclosed) and to the person alleged to be causing the nuisance, advising them that a complaint had been received and requesting them that if the allegation is correct to resolve the situation. In the majority of cases, no further communication is received by officers from either party, indicating that the initial letter to the person alleged to be source of the problem resolves the issue with no further involvement from officers.
- 1.3.3 On some occasions it is necessary for the team to instigate formal action to protect public health. This is usually because the enforcement options, as set out in the Enforcement Policy, have been exhausted. A summary of Notices served in this year is provided in **[Annex 5]**.
- 1.3.4 The EPT are formally consulted by their colleagues in the Planning Service on applications received and on which the EPT make recommendation for the inclusion of conditions or “informatives” if planning permission is granted. These recommendations are intended to pre-empt and address areas of environmental concern prior to development starting and ensure that appropriate mitigation

measures and/or remediation measures are addressed and implemented within the proposal to protect the quality of life for the future occupants of the development and neighbouring properties. During the year the team responded to 531 planning and discharge of condition applications.

- 1.3.5 Under the provisions of the Licensing Act 2003, Environmental Health is a statutory consultee in respect of applications for Premises Licences and Temporary Events Notices (TENS). During the year the team responded to 22 Premises Licence applications, 361 TENS applications.
- 1.3.6 Certain specified processes are required to obtain a 'permit to operate', under the provisions of the Environmental Permitting Regulations, which control emissions to land, air and water. Responsibility for enforcement of the regime is divided between the Environment Agency and Local Authorities. There are 45 permitted processes within the Borough for which we are responsible, covering processes which include road stone coating, dry cleaners, paint spraying and concrete batching. During the year the EPT conducted 34 proactive inspections, and the standard of compliance with the permits and any conditions attached remains high.
- 1.3.7 The Council has an important role in protecting the public from hazards associated with contaminated land. There are three principal aspects to this role:
- identification and prioritisation of known areas of contaminated land within the Borough;
 - ensuring that, through the planning process, areas of potentially contaminated land are identified, investigated and remediated during the development process; and
 - responding to specific enquiries from potential property purchasers who have had concerns raised about potential contaminated land on their prospective property.
- 1.3.8 As well as providing input into planning permission consultations, in 2017/18 the EPT provided 13 reports in relation to specific contaminated land enquiries, the majority from prospective property purchasers.
- 1.3.9 Members will recall that in February 2018 the EPT in conjunction with Leap Environmental Ltd began a landfill gas investigation at the former Jocopits site, now comprising Tolsey Mead and Eaglestone Close in Borough Green. Board Members will have received a briefing note on the outcomes of this investigation in July which has determined that landfill gas poses a low to very low risk to human health. Officers will continue to monitor landfill gas at the site until at least July 2019 to ensure there are no changes. A copy of the briefing note is attached at **[Annex 6]**

- 1.3.10 There are a number of private water supplies in the Borough and to safeguard the health of people consuming water from these supplies the team is required to risk assess and sample these supplies. Most occur in residential properties, although there are some commercial premises that maintain a private water supply. Samples were taken as required during the year to ensure the supplies met required standards.
- 1.3.11 The Local Air Quality Management (LAQM) regime requires the Council to periodically review and assess the air quality within its area. To fulfil these duties officers in the EPT monitor Nitrogen Dioxide levels across the Borough using diffusion tubes and a continuous analyser (located in Tonbridge High Street during this period). The results of this monitoring are reported annually to the Department for the Environment, Food and Rural Affairs (DEFRA). They identify areas of poor air quality and may result in the declaration of Air Quality Management Areas. During the year there were no new exceedances of annual or hourly NO₂ levels and no new AQMAs were required to be declared.
- 1.3.12 In January 2018 additional monitoring sites at Aylesford High Street and the A20/A25 junction at Wrotham Heath were set up following residents' concerns over air quality in those areas. The first annual average results for these sites will be available in January 2019.
- 1.3.13 Members will note that the number of complaints received about odours in Tonbridge has continued to decrease in the last year although the rate of decline is not as significant as in previous years. Officers continue liaise with management, and Drytec continue with a programme of renewal, the most recent being new ducting on the roof better suited to withstand high winds.

1.4 Proposed Service Improvements

- 1.4.1 The Environmental Protection Team proposes the following service improvements in 2018/19:
- Review and implement changes to our approach to air quality management in line with the soon to be published Clean Air Strategy.
 - Review and update team procedures to reflect new guidance and best practice.

1.5 Legal Implications

- 1.5.1 The Council has a statutory duty to undertake the full range of functions described in this report, with the exception of promotional and business support activity.

1.5 Financial and Value for Money Considerations

- 1.5.1 All service improvements will be undertaken within existing budgets.

1.6 Risk Assessment

- 1.6.1 Failure to properly manage and deliver the food safety functions could result in censure by the Food Standards Agency and breach of Section 18 of the Health and Safety at Work etc. Act 1974.
- 1.6.2 The failure of the EPT to meet its statutory obligations could result in formal complaints and potential criticism from DEFRA. It could also lead to a potential legal challenge.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** that the Cabinet **NOTE** the performance information relating to activities associated with the food and safety and environmental protection functions in 2016/17 and **ENDORSE** the service improvements for 2017/18 as detailed in paragraph 1.4.1 of the report.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers: Nil

Nil

contact: Crispin Kennard
Melanie Henbest

Steve Humphrey
Director of Planning, Housing and Environmental Health

FOOD HYGIENE INTERVENTIONS

Premises risk rating and frequency	No. interventions carried out 2015/16*	No. interventions carried out 2016/17*	No. interventions carried out 2017/18*
A – 6 months	1	8	4
B – 12 months	101	62	76
C – 18 months	337	252	217
D – 2 years	160	163	169
E – 3 years **	207	272	282
Unrated (new business registrations)	-	-	185
Total	806	757	933

* All interventions carried out , includes inspections, re-visits, sampling visits, advice and education, information and intelligence gathering.

** Includes low risk premises questionnaires

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SUMMARY OF NATIONAL FOOD HYGIENE SCHEME RATINGS

Rating	Number of businesses	%
Five (Very Good)	556	63
Four (Good)	204	23
Three (Generally Satisfactory)	84	10
Two (Improvement Required)	23	3
One (Major Improvement Required)	11	1
Zero (Urgent Improvement Required)	0	0
Total	878	100

Data correct as of 15 May 2018.

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FOOD SAMPLING PROGRAMME

DATE	SAMPLING PROGRAMME	RESULTS
June -November 2017	UK Co-ordinated Food Study- Study 61 Legionella water sampling and hygiene swabbing in fitness premises	74 samples taken 63 satisfactory 9 borderline (acceptable) 2 unsatisfactory
November 2017 – March 2018	UK Co-ordinated Food Study- Study 62 ready to eat foods from retail establishments	16 samples taken 15 satisfactory 1 borderline (acceptable)
April 2017-March 2018	TMBC Food complaints and food poisoning allegations	30 samples taken 16 satisfactory 2 borderline (acceptable) 12 unsatisfactory
April 2017-March 2018	TMBC Routine sampling programme including manufacturers and producers	132 samples taken 97 satisfactory 12 borderline (acceptable) 23 unsatisfactory
<p>Total number of samples: 252</p> <p>Of which 191 were classified as satisfactory</p> <p>24 were classified as borderline (acceptable)</p> <p>37 were classified as unsatisfactory</p>		

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REQUESTS FOR SERVICE 2017/18

ANNEX 4

Service Request Category	Number of complaints 2015/6	Number of complaints 2016/7	Number of complaints 2017/8	Comments
Accumulations	49	47	33	Complaints regarding accumulations NOT associated with food premises and animals
Drainage	5	8	8	Blocked, leaking or overflowing private drains, private sewers and septic tanks
Noise	177	181	203	Sources include amplified music from domestic and licensed premises
Dogs	112	112	92	Barking dogs
Pollution	61	92	93	e.g. bonfires, odour, smoke, grit and dust and light
Tonbridge Odour complaints	140	69	60	
TOTAL	544	509	489	

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FORMAL ACTION 2017/18 - SERVICE OF STATUTORY NOTICES

Notice	Number served 2015/16	Number served 2016/17	Number served 2017/18	Example
Environmental Protection Act 1990 section 80	11	6	9	Statutory nuisance e.g. noise, accumulations
Prevention of Damage by Pests Act 1949 section 4	0	0	0	Control of rats and mice
Public Health Act 1936 section 83 (As amended)	0	0	0	Filthy and Verminous Premises
Local Government (Miscellaneous Provisions) Act 1976 section 16	0	0	0	Requisition for Information
Local Government (Miscellaneous Provisions) Act 1982 section 29	0	0	0	Securing premises against unauthorised access
Control of Pollution Act 1974 sec 60	0	0	0	Control of Noise on construction sites
Control of Pollution Act 1974 section 61	0	1	0	Prior consent for construction works.
The Private Water Supply Regulations 2009 section 18	3 (in relation to 1 supply)	0	0	Notification of failure to comply with the required standards for PWS and actions required to remedy the failures.
TOTAL	14	7	9	

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STREET SCENE & ENVIRONMENT ADVISORY BOARD**MEMBERS BRIEFING NOTE****25 July 2018****Findings from the investigation into landfill gas at the former Joco Pit landfill now comprising Tolsey Mead and Eaglestone Close**

Members will be aware from board in February, the Council commissioned Leap Environmental Ltd to investigate an apparent increase in methane concentrations at one of our landfill gas monitoring locations (BH2) at the former Jocopits site. I am writing to let you know of the latest situation which I hope that you will find helpful and which I believe shows a positive outcome to our investigations to date.

In February 2018, 8 new monitoring boreholes were installed across Tolsey Mead and Eaglestone Close. Soil samples were collected from the excavated material and sent to a laboratory for chemical analysis. For the first month continuous gas analysers were installed on the new monitoring boreholes which recorded gas concentrations every few hours. Following this, 2 months of weekly spot monitoring was undertaken. This included continued monitoring of the BH2 location. Leap have now produced a report into their investigation, the findings of which are summarised below.

Results***Landfill gases***

Just prior to Leap's involvement, concentrations of methane peaked at 25.5% at BH2, which the Council has been monitoring since 1991, having previously been recorded well below this concentration. Carbon dioxide had been relatively stable (5-12%) and did not show the same sudden increase as methane.

The new monitoring boreholes installed in other locations in Tolsey Mead and Eaglestone Close have recorded a maximum concentration of 0.76% methane, well below that recorded at BH2. The maximum carbon dioxide concentration recorded was 10.16%, which is similar to that recorded by the council. None of these recordings caused undue concern. To further investigate the anomalous results at BH2, it was decided to collect vapour samples from this location to better determine what could be causing the elevated gases.

Soil vapour

Samples of the gas produced within BH2 were analysed for Volatile Organic Compounds and Petroleum Hydrocarbons. Both samples had recordable levels of hydrocarbons which were used to derive a site specific assessment criteria. None of the hydrocarbon vapour concentrations exceeded this criteria. However it is possible that this is the cause of the apparently high levels of methane at BH2.

Soil contamination

No significant signs of contamination were noted from the material excavated during the monitoring borehole installations. Chemical analysis of the material found only two slight exceedances when compared to the accepted Category 4 Screening Levels (C4SLs) used in the assessment of potentially contaminated land:

Lead – in one borehole lead was detected at 309 mg/kg compared to a C4SL of 200 mg/kg,

Asbestos – in one borehole amosite (pipe lagging) quantified as 0.0076% was detected.

The soil which recorded the elevated lead was collected 1m below ground surface; direct exposure is therefore unlikely. Likewise the identified asbestos was found 0.5m below ground surface and was located in a brick covered verge, preventing exposure to the material.

Conclusions

Results from this investigation have **not** demonstrated an unacceptable risk to human health from landfill gases with respect to Part 2A of the Environmental Protection Act 1990. The site has been assigned as low to very low risk.

Future works

Although only a low risk from landfill gas has been identified, the council will continue to monitor all locations on a monthly basis for at least the next 12 months. This is to ensure the situation on site does not significantly change following the works undertaken. The site will be reviewed after 12 months and a decision made regarding continued monitoring frequency.

The Council will also look to move forward with a Leap recommendation that BH2 be replaced. This will allow soil samples to be taken during installation and further soil vapour sampling to be undertaken to assess the contribution of petroleum hydrocarbons to the results

We have also arranged for Council Officers and representatives of Leap Environmental to be available at a drop in session at Potters Mede pavilion on Wrotham Road on Tuesday 31st July where residents can talk to us about these results.

Leap's final report "Part 2A Site Investigation Report and Gas Risk Assessment" is also available to view on the dedicated Jocopits web page:

<https://www.tmbc.gov.uk/services/environment-and-planning/pollution/pollution-control-contaminated-land/former-joco-pit-site-in-borough-green>

If you have any questions, please contact Crispin Kennard, Environmental Protection Manager.

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

04 September 2018

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Information

1. WASTE & STREET SCENE SERVICES UPDATE

Summary

This report provides an update on the Christmas and New Year collection arrangements for 2018/19.

1.1 Christmas and New Year Collections 2018/19

- 1.1.1 Although it may seem a little early to be advising Members on the Christmas and New Year collection arrangements, this does allow extra planning time and the opportunity to include additional notifications to residents with their collection calendars.
- 1.1.2 With Christmas once again falling on a weekday the services will follow a similar approach to previous years in order to ensure consistency of collection of black bin waste. This means that the green waste collection service from 'A' week properties due on Tuesday 25 December will be suspended for two collection cycles; 'B' week properties on that day will miss one green waste cycle. In this way, service disruption can be kept to a minimum, with only 20 per cent of properties affected by this change.
- 1.1.3 While it is unlikely that these arrangements will change, they are still subject to final confirmation from Kent County Council (Waste Disposal Authority), who will be confirming the availability of disposal sites.
- 1.1.4 Where the normal collection day is a TUESDAY there will be no collection in Christmas week; Monday will be a normal collection and Wednesday, Thursday and Friday that week will be one day late. In the New Year week the Monday service will take place as usual, no collection will take place on Tuesday 1st January with that day's work, and for the remainder of the week, collections being made one day late.

<u>Normal Collection Day</u>	<u>Collection Day in Christmas and New Year Weeks</u>
Monday 24 th December	Monday 24 th December
Tuesday 25 th December	No collection this week
Wednesday 26 th December	Thursday 27 th December
Thursday 27 th December	Friday 28 th December
Friday 28 th December	Saturday 29 th December
Monday 31 st December	Monday 31 st December
Tuesday 1 st January	Wednesday 2 nd January
Wednesday 2 nd January	Thursday 3 rd January
Thursday 3 rd January	Friday 4 th January
Friday 4 th January	Saturday 5 th January

1.1.5 As in previous years, we will temporarily suspend our “no extra waste” policy. Additional sacks of waste will be taken along with the black bin collections for all properties during the two Christmas and New Year weeks.

1.1.6 Advance notification to residents will be included in the recycling calendars, in news releases and on bin hangers on the lead up to the Christmas period. Details will also be publicised on our website and via our telephone message system.

1.2 Saturday bulky household waste and WEEE service

1.2.1 To enable the collection of waste from all properties over the Christmas and New Year period it is necessary to work the Saturday 29th December and Saturday 5th January. This means that the refuse collection vehicles and crews will not be available to provide the normal Saturday bulky household waste and WEEE on Saturday 5th January. Saturday 29th would not normally have a bulky service, the Saturday bulky household waste and WEEE schedule will therefore be as follows:

Saturday 5th January	Saturday 12th January	Saturday 19th January	Saturday 26th January
No Service	Weeks 1 & 2 sites	Week 3 sites	Week 4 sites

1.3 Legal Implications

1.3.1 The Council has a statutory duty to provide refuse and recycling collection services. The proposed arrangements ensure that the Council complies with that duty.

1.4 Financial and Value for Money Considerations

1.4.1 None.

1.5 Risk Assessment

1.5.1 Careful planning, good communication with residents and coordinated arrangements for collections, help to ensure minimal disruption and effective delivery of these high profile services.

1.6 Policy Considerations

1.6.1 Communications

1.6.2 Community

1.6.3 Customer Contact

Background papers:

Nil

Contacts:

Lesley Letts

Robert Styles

Director of Street Scene, Leisure and Technical Services

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

04 September 2018

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Information

1 CAPITAL PROGRAMME: POST IMPLEMENTATION REVIEWS

This report brings forward Post Implementation Reviews for a number of completed capital schemes.

1.1 Background

1.1.1 The Council's Capital Strategy provides for the reporting of Post Implementation Reviews to demonstrate the effectiveness of capital expenditure. A system for monitoring Post Implementation Reviews has been long established with reports on Capital Projects being reported to the most appropriate Board.

1.2 Post Implementation Reviews

1.2.1 All Capital Plan Schemes are subject to Post Implementation Reviews after completion. These reviews provide the opportunity to assess the success of each project against identified targets. Post Implementation Reviews are submitted to this Board for approval, in accordance with the Capital Strategy and are presented in accordance with the template agreed by the Finance, Innovation and Property Advisory Board.

1.2.2 Four Post Implementation reviews have been brought forward for approval and are fully detailed at **[Annexes 1-4]**. Members will note that the projects are relatively historic.

1.3 Legal Implications

1.3.1 Considered within the development and implementation of each individual scheme.

1.4 Financial and Value for Money Considerations

1.4.1 As shown at **[Annexes 1-4]**.

1.5 Risk Assessment

1.5.1 All risks identified within the evaluation procedure and any difficulties highlighted through the attached Post Implementation Reviews.

1.6 Policy Considerations

1.6.1 Asset Management

1.6.2 Business Continuity/Resilience

1.6.3 Community

1.6.4 Health and Safety

1.6.5 Procurement

Background papers:

contact: Andy Edwards

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

Capital Plan Post Implementation Review	
Service:	Street Scene, Leisure and Technical Services.
Scheme Title:	East Peckham Flood Alleviation.
Scheme Description:	Scheme in partnership with other agencies and the local community to construct an earth dam on the Coult Stream north west of East Peckham in response to the significant flooding that occurred in 2002.
Evaluation:	Project preceded current formal approach to scheme evaluation but was subject to a number of reports to the Planning and Transportation Advisory Board and former Planning and Engineering Advisory Board.
Capital Plan Year(s)	2002 – 2006.
Approved budget	Net cost to Council of £250,000. Gross scheme cost estimates varied from £882,000, May 2005 to £1,201,700, May 2006.
National Priorities	None.
Local Priorities	To significantly reduce the recurrence of flooding in East Peckham village centre and the Snoll Hatch area.
Targets for judging success:	None identified.
Completion date (work completed):	June 2006.
Completion date (final payment):	March 2013.
Projected date for post implementation review:	None identified.
Final cost:	Net cost to the Council of £267,806, (£17,806 over budget). Final Gross scheme cost of £1,465,083.
Performance against National and Local Priorities and Targets:	Despite flooding events elsewhere in the Borough there has been no recurrence of flooding at East Peckham from the Coult Stream since the completion of the dam and associated flood mitigation measures.
Budget performance / Value for money:	The substantial delay between completion of the works and the final payment stemmed from a dispute between the Council's consultant clerk of works and the main contractor regarding the date of practical completion. The issue was resolved following arbitration which resulted in the Council incurring additional consultancy fees and the requirement to meet a compensation payment to the main contractor.
Other performance / procurement issues:	None.
Ongoing / Outstanding issues:	None.

Capital Plan Post Implementation Review	
Service:	Street Scene, Leisure and Technical Services.
Scheme Title:	Tonbridge Castle East Curtain Wall Footpath.
Scheme Description:	To ensure the safety of visitors to the Castle and to maintain the structural integrity of the scheduled ancient monument by removing a path which runs alongside the east curtain wall.
Evaluation:	Finance & Property Advisory Board 5 Jan 2010.
Capital Plan Year(s)	2010/11.
Approved budget	£50,000.
National Priorities	None.
Local Priorities	7d Improve security/health & safety at leisure facilities. 8a (key) Achieve a cleaner smarter and better maintained street scene and open space environment. 8b Enhance the amenity and appearance of locations borough wide.
Targets for judging success:	Ensure the structural integrity of the scheduled ancient monument. Ensure the safety of visitors to the Castle. Enhance the appearance of the Castle.
Completion date (work completed):	January 2013.
Completion date (final payment):	February 2013.
Projected date for post implementation review:	Twelve months after completion.
Final cost:	£71,699.
Performance against National and Local Priorities and Targets:	Works developed in conjunction with English Heritage to protect the fabric of the ancient monument. Local priorities and targets were achieved.
Budget performance / Value for money:	During the removal of the path a substantial reinforced concrete structure was revealed. The structure was unrecorded within the context of the ancient monument but thought to date from around WW2 when a command centre was built. Scheme progress was delayed whilst an archaeological study of the structure was undertaken resulting in the overspend against budget. Overspend reported to the Executive in accordance with the Council's Financial Procedure Rules (report to Cabinet March 2013).
Other performance / procurement issues:	None.
Ongoing / Outstanding issues:	None.

Capital Plan Post Implementation Review	
Service:	Street Scene, Leisure and Technical Services
Scheme Title:	Car Park Enhancement Programme – Phases 2-5.
Scheme Description:	To improve and enhance the Borough Council's existing car parks, particularly in the light of our obligations under the Disability Discrimination Act. Improve the organisation's ability to enforce the Borough Council's parking strategy and associated revenue income. To programme in essential capital works required to maintain the car parks.
Evaluation:	Finance & Property Advisory Boards 3 Jan 2007, 7 Jan 2009, 5 Jan 2010 and 4 Jan 2012.
Capital Plan Year(s)	2007/08 £69,000, 2009/10 £70,000, 2010/11 £70,000 and 2012/13 £50,000.
Approved budget	£259,000 reduced to £257,000 2012/13 Capital Plan Review.
National Priorities	Deliver reliable and efficient transport networks that support economic growth; Promoting healthier communities; Creating safer and stronger communities.
Local Priorities	2f Improve access to Council services and facilities in accordance with Disability Discrimination Act requirements; 3b (Key) Promote and support the sustainable regeneration and economic development of Tonbridge town centre; 4a Improve local parking to meet the needs of drivers such as residents, businesses, shoppers and visitors; 4c Improve the efficiency and sustainability of transportation at key locations; 8a (key) Achieve a cleaner, smarter and better maintained street scene and open space environment; 10b Reduce the fear of crime; 14a Contribute to improving the West Kent economy.
Targets for judging success:	Well maintained car parks that are easy and pleasant to use and operate. Lack of negative feedback about the condition of car parks. No unplanned disruption to off street parking or additional burden on revenue budgets. DDA compliant car parks.
Completion date (work completed):	May 2013
Completion date (final payment):	June 2013
Projected date for post implementation review:	At completion of programme.
Final cost:	£254,093
Performance against National and Local Priorities and Targets:	Success targets achieved.
Budget performance / Value for money:	Schemes completed £2,907 below budget.
Other performance / procurement issues:	None
Ongoing / Outstanding issues:	None

Capital Plan Post Implementation Review	
Service:	Street Scene, Leisure and Technical Services
Scheme Title:	Tonbridge Town Lock
Scheme Description:	To enhance the area of land between Medway Wharf Road and the River Medway, creating an attractive, high quality open space for informal recreation close to Tonbridge town centre and to set a quality benchmark for future enhancement and regeneration projects in the town centre.
Evaluation:	Finance & Property Advisory Board 7 Jan 2009.
Capital Plan Year(s)	2008/09 to 2011/12
Approved budget	Original gross scheme cost phased over 2008/9 to 2011/12 approved at £785,000 with external contributions of £277,000 making net cost to the Council of £508,000. Budget enhanced as the scheme was developed/progressed to gross cost of £1,975,000 offset by external grants and contributions of £1,834,000 reducing net cost to the Council to £141,000.
National Priorities	N/A
Local Priorities	3b (key) Enhance the vitality of Tonbridge town centre. 8b Enhance the amenity and appearance of locations borough-wide.
Targets for judging success:	Increased use of the area by members of the public. Civic Society Award.
Completion date (work completed):	May 2016
Completion date (final payment):	November 2016
Projected date for post implementation review:	12 months after completion.
Final cost:	Gross scheme cost of £1,975,079. Net cost to Council £139,088 after deducting grants and contributions.
Performance against National and Local Priorities and Targets:	Scheme well received by the local community and many compliments received on quality of design and workmanship. Civic Society award achieved.
Budget performance / Value for money:	Total project cost higher than anticipated but net cost to the Council lower than original estimate. The increase in gross costs of the scheme was subject to a value for money assessment prior to commencement of the works – see report to Cabinet March 2015.
Other performance / procurement issues:	Good levels of communication were maintained with local residents throughout the works which was well received.
Ongoing / Outstanding issues:	None

Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 11

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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